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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.602 OF 2007

.....
Office Notes, Office Memoranda .
of Coram, appearances, Court's .
Orders or directions and .
Registrar's Order Court's or Judge's Order
.....

Mr.R.S.Patwardhan for petitioner.
M.H.Mhatre-APP-State.

CORAM : R.S. MOHITE, J.

DATE : 27TH NOVEMBER, 2007.

P.C. :-

. Heard the applicant.
This writ petition impugned the
order dated 5th March, 2007
whereby the trial court has
rejected the application of
production of a cheque after
enclosure of evidence. According
to the Advocate for the
petitioner, through inadvertent
mistake the cheque remained to be
produced in the Court in
proceedings under section 138 of
Negotiable Instruments Act.

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After the evidence was over, at the stage of statement under section 313 of Cr.P.C., the application dated 5th March, 2007 was made. In my view, the application has been correctly rejected because the application was only for production of cheques. There is no provision for mere production of such documents since the document will have to be produced and proved by examination of a proper witness. Hence, the petition is rejected with liberty to the petitioner to make the proper application under section 311 of Cr.P.C.

2. Such application is made, the same should be considered and disposed off on merits. Petition is disposed off with the aforesaid directions.

(R.S. MOHITE, J.)